



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

JERRALD ANTHONY FOLKS,	§	
Plaintiff,	§	
vs.	§	CIVIL ACTION 1:21-105-MGL-SVH
	§	
SGT. ELLISON; CAPTAIN BILL	§	
REEVES; CHRISTOPHER	§	
DELOACH, EMS DIRECTOR;	§	
OFFC. HANSON; BRANDY	§	
GALLOWAY, NURSE; SARA	§	
LEDBETTER, NURSE; CAPTAIN	§	
NICK GALLAM; INV. S. WILLIAMS;	§	
and CAPT. SAWYER,	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND GRANTING DEFENDANT REEVES'S MOTION TO DISMISS**

Plaintiff Jerrald Anthony Folks (Folks) filed this 42 U.S.C. 1983 lawsuit against the above-named defendants. He is representing himself.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Defendant Captain Bill Reeves's (Reeves) motion to dismiss be granted. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo

determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on May 6, 2021, and the Clerk of Court entered his objections on June 4, 2021. The Court has carefully reviewed the objections, but holds them to be without merit. It will therefore enter judgment accordingly.

In Folks's objections he fails to offer any specific objections to the Report. Instead, he asks that the Court appoint an attorney for him. But, as the Magistrate Judge explained in her May 10, 2021, Order denying his request to her to appoint an attorney, he has failed to show that granting of the request would be proper. Thus, the Court will deny the request.

He also make conclusory statements and allegations as to why the Court ought not dismiss Reeves from the lawsuit. But these conclusory statements and allegations, without more, are insufficient to establish Reeves's motion should not be granted. Therefore, the Court will overrule Folks's objections.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Folks's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of the Court Folks's request for the Court to appoint an attorney is **DENIED** and Reeves's motion to dismiss is **GRANTED**.

IT IS SO ORDERED.

Signed this 29th day of November, 2021, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Folks is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.